

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

THOMAS E. PEREZ
SECRETARY OF LABOR,
UNITED STATES DEPARTMENT
OF LABOR

Plaintiff,

v.

ANTICO FOODS, LLC and
GIOVANNI DIPALMA,

Respondent

CIVIL ACTION FILE NO. 1:14-cv-
03143

[PROPOSED] CONSENT ORDER

This cause came on for consideration upon the parties' consent to the entry of this Order, without further contest, to compromise the present issues before the Court and avoid the needless expenditure of time and resources.

Whereas, Thomas E. Perez, Secretary of Labor, United States Department of Labor (hereinafter "DOL"), filed the above-captioned matter asserting that Defendants have retaliated against and intimidated employees of Antico Foods, LLC in connection with an ongoing wage and hour investigation by the DOL;

Whereas, Defendants deny the accusations and specifically deny interfering with any DOL investigation, deny that they have at any time intimidated or retaliated against any of their employees for participating with any DOL investigation;

Whereas, Defendants intend to continue to follow the law, cooperate with the DOL investigation, and to continue to not retaliate, intimidate, or interfere with any DOL investigation; and

Whereas, Defendants desire to resolve this matter expeditiously and without further delay and without further interruption to Defendants' business, Defendants agree to the following:

Upon consent by the DOL and Defendants Antico Foods, LLC, and Giovanni DiPalma (hereinafter "Defendants"), it is ORDERED that Defendants, as well as their agents, servants, employees and all persons in active concert or participation with them who receive actual notice of such Order, are enjoined from violating the provisions of the Fair Labor Standards Act, 29 U.S.C. §§201, et. seq., as follows:

1. Defendants will not terminate or threaten to terminate, cause any employee to be deported or threaten to cause any employee to be deported, or retaliate or discriminate in any way against current and former employees of Antico Foods, LLC because an employee spoke with, or intends to speak with, a DOL investigator, filed a complaint with the DOL, or otherwise participated in or cooperated with the investigation currently being conducted of Antico Foods, LLC by the DOL's Wage and Hour Division;
2. Defendants will not tell any employee not to speak to representatives of the DOL or to provide false information to the DOL or otherwise coerce or suggest to employees that they should make false statements regarding the terms and conditions of their employment;
3. Defendants will not obstruct the Department of Labor's investigation of Antico Foods, LLC in any manner;
4. Defendants will permit a designee of the DOL to read aloud in English and Spanish the following statement, to all employees of Defendants during paid work hours and outside of customer hours,

informing them of their right to speak, without retaliation or threats of retaliation or intimidation, with DOL investigators regarding the instant investigation:

You are protected by the Fair Labor Standards Act and have the right to participate freely in the U.S. Department of Labor's investigation into your employer's pay practices. You have the right to speak freely with investigators or other officials from the Department of Labor. Your employer is prohibited from retaliating and will not retaliate against you in any way, including termination of your employment, because you spoke with the Department of Labor.

Usted está protegido por la Ley de Normas Justas de Trabajo y tiene el derecho de participar libremente en la investigación del Departamento de Trabajo sobre las prácticas de pago por parte de su patrono. Usted tiene el derecho de hablar libremente con investigadores u otras personas del Departamento de Trabajo. Su empleador está prohibido de hacer represalias contra de usted de cualquier manera incluyendo la terminación de usted, porque usted habló con el Departamento de Trabajo.

5. Defendants will post at each Antico Foods, LLC worksite a hard copy of the statement referred to in ¶ 4 above, in both English and Spanish;
6. Giovanni DiPalma will not speak to employees of Defendants regarding any communication any employee has or will have with the DOL about the pending investigation of Defendants by the DOL.

SO ENTERED, THIS _____ OF OCTOBER, 2014

The Honorable Steve Jones
United States District Judge